

09-05-02

RCE/1600

PTO/SB/30 (08-00)

Approved through 10/31/2002. OMB 0651-0031

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SEP 0 9 2002

#33

# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/271,584
Filing Date	March 18, 1999
First Named Inventor	Eduardo BLUMWALD, et al.
Group Art Unit	1638
Examiner Name	A. Kubelik
Attorney Docket No.	529152000700

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TECH CENTER 1600/2900

This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 3, 2002  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \*
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Request for Telephonic Interview Prior to Examination

## 2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.1039c) for a period of \* months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other:

## 3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) - \$370.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) - 1 month
- iii. ☐ Other:
- b. ☐ Check in the amount of \$\* enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Michael R. Ward	Registration No. (Attorney/Agent)	(38,651)
Signature	<i>Michael R. Ward</i>	Date	September 3, 2002

## **CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EV 080 684 553 US

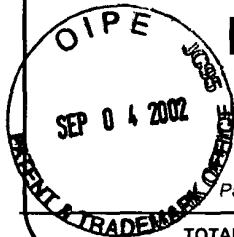
Date of Deposit: September 3, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

EV080684553US

CHASE J. TROMBELLA

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**FEE TRANSMITTAL  
FOR FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number **09/271,584**

Filing Date **March 18, 1999**

First Named Inventor **Eduardo BLUMWALD**

Examiner Name **A. Kubelik**

Group Art Unit **1638**

Attorney Docket No. **529152000700**

**RECEIVED****SEP 09 2002****TECH CENTER 1600/2900****TOTAL AMOUNT OF PAYMENT****(\$425.00)****Attorney Docket No. 529152000700****METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **03-1952**
- Deposit Account Name **Morrison & Foerster LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1) (\$ -0-****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
- 20** =	*	x	\$
Independent Claims	- 3** =	*	x
Multiple Dependent			\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$ -0-**

\*\* or number previously paid, if greater; For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	\$ 55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	\$370.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$425.00)****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	<b>Michael R. Ward</b>	Registration No. (Attorney/Agent)	<b>(38,651)</b>	Telephone	<b>(415) 268-6237</b>
Signature	<i>Michael R. Ward</i>	Date	<b>September 3, 2002</b>		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



PATENT  
Docket No. 529152000700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

SEP 09 2002

TECH CENTER 1600/2900

In the application of:

Eduardo BLUMWALD, et al.

Serial No.: 09/271,584

Filing Date: March 18, 1999

For: GENETIC ENGINEERING SALT  
TOLERANCE IN CROP PLANTS

Examiner: A. Kubelik

Group Art Unit: 1638

**REQUEST FOR TELEPHONIC INTERVIEW**

**PRIOR TO EXAMINATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Prior to Examination, Applicants respectfully request a telephonic interview to discuss the pending claims in this case.

The Examiner is requested to contact the undersigned at (415) 268-6237 to discuss this case prior to issuing an Office Action.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**

Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 3, 2002

By: Michael R. Ward  
Michael R. Ward  
Registration No. 38,651

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